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Magistrate Judge James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,) CASE NO. MJ11-5131
11 Plaintiff,) COMPLAINT for VIOLATION
12) Title 18, U.S.C., Section 111(a)
13 v.) (Misdemeanor)
14 DOUGLAS ROY WHITE,)
15 Defendant.)

17 BEFORE, James P. Donahue, United States Magistrate Judge, Seattle, Washington.

18 The undersigned complainant, being duly sworn states:

20 **COUNT ONE**

21 On or about, July 1, 2011, within the Gifford Pinchot National Forest, within the
22 Western District of Washington, DOUGLAS ROY WHITE knowing did forcibly assault,
23 resist, oppose, impeded, intimidate and interfere with United States Forest Service
24 Officers Chavez and Hill, while they were engaged in their official duties.

25 All in violation of Title 18, United States Code, Section 111(a).

26 And the complaint states that this Complaint is based on the following
27 information:

1 1. I, Jon Matye, am a Special Agent with the United States Forest Service and
2 have been since September 2010. I completed Criminal Investigator Training Program in
3 2010. I have served as a Federal law enforcement officer since 2002 and completed the
4 Basic Academy at the Federal Law Enforcement Training Center in 2002. I have
5 completed over 1400 hours of law-enforcement training with many hours in regards to
6 arson, fire, drug enforcement, and other investigations. I have a Bachelor of Science
7 degree in Natural Resource Management from Washington State University. I am
8 currently assigned to Regional Investigative Unit of the Pacific Northwest, United States
9 Forest Service and I am responsible for investigating violations of federal and state law
10 within the jurisdiction of United States Forest Service throughout Washington and
11 Oregon.

12 2. This affidavit is based upon my personal knowledge developed during this
13 investigation, and upon information reported to me by other federal, state, and local law
14 enforcement officers during the course of their official duties, all of whom I believe to be
15 truthful and reliable.

16 3. This affidavit is set forth for the purpose of establishing probable cause that
17 DOUGLAS ROY WHITE, date of birth XX-XX-1957, did forcibly assault, resist,
18 oppose, impeded, intimidate and interfere with United States Forest Service Officers
19 Chavez and Hill, while they were engaged in their official duties on July 1, 2011 within
20 the boundaries of Gifford Pinchot National Forest, in the Western District of Washington.
21 Because the purpose of this affidavit is to establish probable cause, not every relevant fact
22 known to me, or to other investigators, is included herein. Rather, only those facts
23 necessary to establish probable cause will be discussed.

24 4. On July 1, 2011, at approximately 1940 hours, Forest Service Officers were
25 at the intersection of Forest Service 30 Road and Forest Service Road 3211 enforcing a
26 road closure. The closure was marked by two identifiable outfitted law enforcement
27 vehicles and being enforced by on duty United States Forest Service Law Enforcement
28 Officers. During this time there was a high volume of vehicles and large number of

1 people entering into the gathering area located in the Gifford Pinchot National Forest for
 2 the beginning of the Rainbow Family Gathering. Forest Service Officers were attempting
 3 maintain control of the roadway due to the large amount of vehicle traffic coming into the
 4 area and at the same time protect the pedestrian traffic attempting to access the area.
 5 Forest Service Officer Hill observed a male later identified as DOUGLAS ROY WHITE
 6 walking down the center lane of Forest Road 30 impeding traffic by walking in front of
 7 vehicles forcing them to stop in the lane of travel. Forest Service Officer Chavez shouted
 8 an order to DOUGLAS ROY WHITE, commanding him to get out of the road and not to
 9 stop traffic. After being ordered by Officer Chavez several times to get out of the
 10 roadway DOUGLAS ROY WHITE complied and left the roadway.

11 5. A few seconds later Officer Hill again observed DOUGLAS ROY WHITE
 12 standing in the roadway stopping vehicles. Officer Chavez a second time shouted a
 13 command to DOUGLAS ROY WHITE telling him to get out of the road and not to stop
 14 vehicles. DOUGLAS ROY WHITE was seen moving from the middle of the roadway to
 15 a side of the roadway and stopping another vehicle as it approached him on the roadway.
 16 creating a public safety issue by being in the roadway during a high volume of traffic.
 17 Forest Service Officers observed DOUGLAS ROY WHITE creating a public safety issue
 18 by being in the roadway during a high volume of traffic, being a threat to himself and
 19 those in the immediate vicinity of Forest Service Road 30, and not complying with
 20 numerous commands to leave the roadway and not impede traffic.

21 6. Officers Hill and Chavez approached DOUGLAS ROY WHITE on the
 22 roadway and told him he was under arrest. As they did so each Officer grabbed an
 23 hand/arm of DOUGLAS ROY WHITE and he began to pull away. Officer Hill told
 24 DOUGLAS ROY WHITE to relax and the suspect responding, "how can I, I'm under
 25 arrest". DOUGLAS ROY WHITE continued to push and shove back with his hands
 26 wildly in an attempt to free his arms. At one point DOUGLAS ROY WHITE got his arm
 27 free from Officer Chavez and struck Officer Chavez in the mouth with an open hand and
 28 tried to turn towards the officers. Officer Chavez was able to regain control of White's

1 left arm and two officers continued to struggle to get the handcuffs on DOUGLAS ROY
 2 WHITE.

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 4 7. As the struggle continued all three ended up on the ground and Officer Hill
 5 lost control of the right arm of DOUGLAS ROY WHITE. WHITE tucked his arm under
 6 his body and refused to comply with commands to stop resisting. Officer Hill continued
 7 to try to get a hold of WHITE'S hand when he could feel WHITE curling his feet
 8 underneath him trying to stand up. Forest Officer Rizkallah saw WHITE trying to stand
 9 and break free from the officers when she intervened and told WHITE to stop resisting.
 10 When he didn't comply with her command, she drew her taser. Officer Rizkallah took
 11 cartridge off and placed the device on the WHITE'S upper back, stated "Taser, Taser",
 12 and pulled the trigger. The device delivered a five second dry stun and Officer Hill was
 13 able to get WHITE'S right arm out from underneath him and complete the handcuffing.
 14 Once the handcuffs were secured, he was searched and his personal property given to his
 15 girlfriend. DOUGLAS ROY WHITE was transported to the Forest Service Command
 16 Post for further processing and a medical check. DOUGLAS ROY WHITE was
 17 transported to Pierce County Jail and booked on an US Marshal hold after getting
 18 approval from the US Attorneys's Office for a 48-hour hold.

19 8. Based on the above facts, I respectfully submit that there is probable cause
 20 to believe that on or about July 1, 2011, DOUGLAS ROY WHITE, a male born XX-XX-
 21 1957, did forcibly assault, resist, oppose, impeded, intimidate and interfere with United
 22 States Forest Service Officers Chavez and Hill, while they were engaged in their official
 23 duties.

24 All in violation of Title 18, United States Code, Section 111(a)

25
 26
 27 _____
 28 Jon Matye
 Special Agent
 United States Forest Service

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 4th day of July, 2011.

JAMES P. DONAHUE

United States Magistrate Judge